

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4617 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

DAVE PRADIPKUMAR S

Versus

BHAVNAGAR MUNICIPAL CORPN

Appearance:

MR DU SHAH for Petitioner

MR JR NANAVATI for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 18/02/2000

ORAL JUDGEMENT

The petitioner on the basis of artificial breaks in service which were given, though he had continuously worked as stated in paragraph 4 of the petition, has sought a direction for making him permanent in the post

of time-keeping. The petitioner by virtue of interim relief granted on 26.11.1990 restraining the respondents from terminating the services of the petitioner except in accordance with law, is said to have been continuing in service. Today, the learned Counsel for the respondent Corporation places on record a copy of the order dated 26.5.1999, which shows that the petitioner whose name appears at serial No.6, out of 83 persons who are included in the list, is made permanent in the post as per the policy which was adopted for dealing with such cases. It is also recorded at the end of this order that their services would be treated as continuous. Since the petitioner is getting benefit of this order, the present petition has become infructuous. Rule is therefore discharged with no order as to costs. Interim relief now does not survive.

*/Mohandas